

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lara Freishtat	Team: Team # 4	CCRB Case #: 200605472	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/26/2006 8:00 PM	Location of Incident: § 87(2)(b)	Precinct: 105	18 Mo. SOL 10/26/2007	EO SOL 10/26/2007	
Date/Time CV Reported Fri, 04/28/2006 1:56 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/28/2006 1:56 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. POM Anthony Salato	92640	926403	105 PCT
4. POF Lisa Hofelich	05730	928494	105 PCT
5. LT Matthew Mcguire	00000	916182	105 PCT
6. SGT Mark Holochuck	02868	906472	105 PCT
7. DTS John Conk	04297	914728	ESS 09
8. DTS Robert Honeyman	00053	917764	ESS 09

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Daniel Dooley	03039	918641	INT CIS
2. POM Robert Rizzotto	12127	918229	105 DET
3. POM George Rath	07271	918202	105 PCT
4. POM Shawn Gallagher	01438	917655	105 PCT
5. POF Christine Balsamo	05250	927897	105 PCT
6. SSA James Buscemi	00378	880702	ESS 09
7. DTS Stephen Clifford	04130	901330	ESS 09
8. POM Michael Degregorio	00115	915570	ESS 09
9. DTS John Caracci	01055	905440	ESS 09

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b) and § 87(2)(b)	
B.POF Lisa Hofelich	Abuse: PO Lisa Hofelich searched § 87(2)(b)	
C.LT Matthew Mcguire	Abuse: Lt. Matthew Mcguire supervised the entry and search of § 87(2)(b) in Queens.	
D.DTS John Conk	Discourtesy: Detective John Conk spoke obscenely to § 87(2)(b) and § 87(2)(b)	
E. An officer	Force: An officer struck § 87(2)(b) and § 87(2)(b) with a police shield.	
F. Officers	Discourtesy: Officers spoke obscenely to § 87(2)(b)	
G. Officers	Force: Officers used physical force against § 87(2)(b)	
H.DTS Robert Honeyman	Discourtesy: Detective Robert Honeyman spoke obscenely to § 87(2)(b)	
I.DTS John Conk	Discourtesy: Detective John Conk spoke obscenely to § 87(2)(b)	
J.DTS John Conk	Force: Detective John Conk used physical force against § 87(2)(b)	
K.DTS Robert Honeyman	Force: Detective Robert Honeyman used physical force against § 87(2)(b)	
L. Officers	Abuse: Officers threatened § 87(2)(b) and § 87(2)(b) with the use of force.	
M. Officers	Abuse: Officers damaged § 87(2)(b) property.	
N.SGT Mark Holochuck	Abuse: Sgt. Mark Holochuck refused to show a search warrant to § 87(2)(b) and § 87(2)(b)	
O.POM Anthony Salato	Abuse: PO Anthony Salato refused to show a search warrant to § 87(2)(b) and § 87(2)(b)	

Synopsis

On April 26, 2006, at approximately 8 PM, § 87(2)(b) and § 87(2)(b) were all at § 87(2)(b) home, located at § 87(2)(b) in Queens for a barbecue. § 87(2)(b) was sitting on the front stoop outside the house, talking with a neighbor, when officers pulled up in multiple vehicles to the location. An ESU officer then rushed at the neighbor and pushed him down to the ground, before he and two other ESU officers jumped on top of the neighbor and placed him in handcuffs. An ESU officer then ran to § 87(2)(b) grabbed her by her jacket, picked her up and threw her against a brick fence (allegation A). § 87(2)(b) fell to the ground and the ESU officer pointed his gun at her while instructing an officer from the 105th Precinct to handcuff her. § 87(2)(b) was allegedly searched by PO Hofelich and moved away while ESU officers broke down the front door to the house and entered the location with their guns pointed (allegation B). Detective John Conk, who was the first officer to enter the house, and some of the other ESU officers allegedly yelled at § 87(2)(b) and § 87(2)(b) who were all near the door in the living room and kitchen to “Get the fuck down” (allegations C and D). While § 87(2)(b) and § 87(2)(b) began to go down to the floor, § 87(2)(b) hesitated as to make sure that the officers did not harm § 87(2)(b) his mother. An ESU officer approached § 87(2)(b) and hit him in the face with his shield, knocking § 87(2)(b) backwards onto a couch while yelling “Stay the fuck down and put your hands behind your back” (allegations E and F). That officer and a second ESU officer then grabbed § 87(2)(b) from the couch and pulled him down to the ground, where they held him down while placing him in handcuffs (allegation G). The ESU officers continued through the house and came upon § 87(2)(b) who was sitting in the kitchen at a table. An officer hit § 87(2)(b) in the face with a shield, knocking him to the ground (also allegation E). § 87(2)(b) was then placed in handcuffs and dragged on the floor by his leg into the living room (also allegation A). Det. Conk and Det. Robert Honeyman went down to the basement of the house while the other ESU officers went through and secured the remainder of the house. When Det. Conk and Det. Honeyman went downstairs, they saw § 87(2)(b) and § 87(2)(b) down there. The officers went down the steps with their guns pointed and yelled “Get on the fucking floor” (allegations H and I). Det. Conk, allegedly, stepped on § 87(2)(b) face, digging his foot in, and placed him in handcuffs (allegation J). § 87(2)(b) asked if he could speak with § 87(2)(b) who was crying, but Det. Conk allegedly told him to “Shut his mouth,” and then kicked him in the ribs (also allegation J). Det. Honeyman had approached § 87(2)(b) who was laying face-first on the ground. He lifted up her back slightly, before slamming it back down on the ground and grabbing her arms behind her back, to place her in handcuffs. She then turned to him and asked him not to hurt her. He responded by kicking her in the head (allegation K). While ESU officers were going through the house, § 87(2)(b) kept asking them to take § 87(2)(b) off of the floor, but he was repeatedly told by the officers to “Shut the fuck up (also allegation F).” At one point, both § 87(2)(b) and § 87(2)(b) attempted to look at the ESU officers, but they were told things such as “Turn your motherfucking face to the wall or I’ll beat your fucking ass,” and “Don’t fucking look at me or we’ll kick you in your fucking face” (allegation L). Additionally, § 87(2)(b) and § 87(2)(b) asked to see a search warrant, but were informed by the ESU officers that the other officers had it. As the ESU officers were securing the inside of the house, § 87(2)(b) was leaving the house through the back. As he was rounding the corner of the house, an officer kicked him in the head from the side of the house and then grabbed him and threw him against some trashcans (also allegation A). § 87(2)(b) was then placed in handcuffs before eventually being brought inside the house to join everyone else. All of the civilians were gathered in the living room, while still in handcuffs, when ESU left the location and officers from the 105th Precinct entered it. As ESU was leaving, one officer allegedly stepped on § 87(2)(b) breast (also allegation A). The officers from the 105th Precinct proceeded to search through the house, leaving each room in disarray and breaking the computer (allegation M). As the search was going on, § 87(2)(b) and § 87(2)(b) asked the officers to see a search warrant, but were told that while the officers had one, they did not need to show it to them (allegation N and O). Everyone except for § 87(2)(b) was placed under arrest for § 87(2)(a) 160.50 and removed to the 105th Precinct stationhouse and eventually Central Booking.

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) filed a complaint about this incident by telephone with the CCRB on April 28, 2006 (see enclosure # 16a-16h). This complaint was also investigated by IAB, log #06-17470, before they recommended that the entire case be investigated by CCRB. § 87(2)(b) was interviewed at the CCRB on May 5, 2006. He was also interviewed by IAB on May 30, 2006, and his statement was consistent with that of his CCRB statement (see enclosure # 19a-19h). He also viewed photographs of the possible subject officers at the CCRB on October 4, 2006 (see enclosure # 20a-20s). The photos were divided into three groups and consisted of both ESU officers and officers from the 105th Precinct. The photos were placed in different orders for each victim.

§ 87(2)(b)

§ 87(2)(b). He stated that “they had guns” on § 87(2)(b) and that they “ran in and knocked everybody down.” He went on to say that the pin in his ankle broke because an officer “stomped” on him so he can now “barely walk and needs surgery to repair the damage.” § 87(2)(b) stated that § 87(2)(b) was “on his knees with his hands above his head and they kicked him his face and broke his tooth.” He also stated that his son’s friend, referring to § 87(2)(b) “got a broken finger and nose” as a result of this incident.

On April 26, 2006, at approximately 8 pm, § 87(2)(b) was at his mother, § 87(2)(b) home, located at § 87(2)(b) in Queens, with his mother, his brother § 87(2)(b) his girlfriend § 87(2)(b) his son § 87(2)(b) his friend § 87(2)(b) and § 87(2)(b) friends § 87(2)(b) and § 87(2)(b) § 87(2)(b) was outside the front of the house talking with a neighbor, though § 87(2)(b) did not know his name. § 87(2)(b) and § 87(2)(b) and § 87(2)(b) were all on the first floor and § 87(2)(b) and § 87(2)(b) were exiting the side of the house when § 87(2)(b) saw flashlights outside the front of the house through the window in the living room. § 87(2)(b) informed his mom and brother of this but as soon as § 87(2)(b) and § 87(2)(b) reached the door to open it and see what was going on, someone yelled, “Police! Search warrant” and the door was pushed open. ESU officers, wearing helmets over their faces and with guns pointed, entered the house yelling, “Everyone get down! Everyone get the fuck down!” Once the commotion started, both § 87(2)(b) and § 87(2)(b) ran down to the basement.

§ 87(2)(b) immediately lay down on the floor, but § 87(2)(b) was pushed down to the floor, possibly with a shield, though § 87(2)(b) could not describe how it happened. He stated that he saw her “go down hard.” Upon seeing this, § 87(2)(b) who was 5 feet away and who had been on his way down to the ground, stopped his descent and yelled at the officer to “watch it” and explained that his mother recently had surgery. The officer immediately approached him and hit him on the left side of his face with a shield, knocking § 87(2)(b) down onto a couch face-first, while yelling “Stay the fuck down and put your hands behind your back!” That officer and a second officer then grabbed § 87(2)(b) off of the couch by his legs and by his back and dragged him down to the floor. The officer who hit him grabbed him by the top of his body to take him to the ground. § 87(2)(b) was lying on his stomach and one of the officers had his knee on the back of his neck and was placing him in handcuffs. At the same time, the other officer was sitting on the back of his legs and ankles holding them down saying, “be still,” though he was not resisting.

While lying on the ground, § 87(2)(b) kept trying to look around and see if his mother was okay and to see what the officers were doing. He saw his mother and brother also lying on the ground in handcuffs by the front door. He asked the officers to take § 87(2)(b) off of the floor, but the officers told him to “Shut the fuck up.” Additionally, whenever he tried to look at the ESU officers he was instructed to not look at them and to “turn his motherfucking face to the wall or I’ll beat your fucking ass!” § 87(2)(b) thought that it was the same one who hit him with the shield that said that to him. He also asked the officers why they were there and to see a search warrant, but the officers informed him that the detectives would show it to them when they entered the house. The officers also instructed everyone to not ask them any questions and said “shut the fuck up and don’t fucking talk to us.” § 87(2)(b) continued to lie down on the ground while the ESU officers went through the house, though one officer remained at the front door. At one point, he could hear § 87(2)(b) yelling from the basement that he was “down” and § 87(2)(b) asked them what they were doing to his son. An ESU officer who was in the kitchen then went down to the basement and § 87(2)(b) assumed he said something to the officers down there, because the noises stopped. § 87(2)(b) stated that he knew his son had run back inside the house after seeing § 87(2)(b) get kicked in the nose. After approximately 20-30 minutes, the ESU officers finished going through the house. As they were leaving it, one of the officers said “Move, move” to § 87(2)(b) and then stepped on her breast. § 87(2)(b) felt that the officer intentionally stepped on her because despite the fact that she was lying down on the ground by the door, he could have walked around her.

The detectives then entered the house and everyone was brought together into the living room and they were all in handcuffs. § 87(2)(b) asked the detectives to see a search warrant but the officers stated that while they had one, they only had to show it to the owner of the house. § 87(2)(b) then spoke up and asked to see it, but the officers never showed it to her. The detectives searched everyone and also searched the house. However, all they recovered was a bag of marijuana on § 87(2)(b). Yet, they arrested everyone except for § 87(2)(b) and brought them down to the 105th Precinct. § 87(2)(b) described the house as in complete disarray afterwards. He stated that the curtains were torn up and that the computer was broken, though he did not know how or what was wrong with it. When taking them out of the house, everyone was brought out individually and then questioned. § 87(2)(b) stated that he was asked about the amount of people in the house and where the guns and narcotics were located. Everyone was processed and arrested on § 87(2)(a) 160.50, though only one person had it and he did not live in the house. After spending the night in central booking, all of the charges were dismissed and everyone was released. § 87(2)(b) however had a warrant and was released the next night.

§ 87(2)(b) went to § 87(2)(b) as soon as he was released. He stated that though the officers offered him medical treatment he refused it, because he wanted to get through the system as fast as possible. When he went to the hospital, he had pain in his foot and his left eye was swollen shut. He told the doctors that he was “beaten by the SWAT team.” He was informed at the hospital that the steel pin in his ankle was broken and he stated that it had not been damaged prior to this incident. He is still receiving medical treatment for his ankle.

He stated that he saw two to three ESU shields and thought there were approximately 7 ESU officers inside of the house. He stated that the one who hit him with the shield was wearing a helmet, was approximately 5’6, with blond hair, possibly a mustache and was stocky and somewhat chubby. And he thought it was possible that he could identify him from a photograph. The officer by the door was a white male, approximately 6’1, wearing a ski mask and holding a shield. However he was unable to describe the remaining ESU officers because they either were wearing helmets or they hid their faces. Though as far as he could tell, all of them were male. § 87(2)(b) stated that there were 4-5 detectives present, one of which was female and did the paperwork. The officer who interviewed him was a short “stubby” male, possibly with blond hair. There was also a supervisor there, a man with brown hair, who was approximately 5’11. He knew him to be the supervisor because the officers would always turn to him to answer any questions. He thought the officers were in plainclothes, though it was possible that there were a couple of officers in uniform.

§ 87(2)(b) stated that he was told by § 87(2)(b) that the officers tackled the neighbor outside of the house, though he did not see it. And while the neighbor was originally taken to the stationhouse with them, he was later released. He stated that he heard force being used against § 87(2)(b).

§ 87(2)(b) but he did not see it and he stated that no physical force was used against § 87(2)(b). He described the force used against § 87(2)(b) as her being knocked down and then her breast was stepped on. § 87(2)(b) stated that he and his family were filing a civil suit against the city in regard to this incident because something like this should not happen to anyone and officers should not be able to “ransack” a house and beat people without an explanation. He also wants to stop this from happening to another family.

After viewing all of the photographs, § 87(2)(b) stated that he recognized Det. Stephen Clifford as being the ESU officer standing by the door during the incident and he thought Det. John Caracci, an ESU officer, was the officer who hit him with the shield. He felt that he had the same build and mustache as the officer who hit him. He did not recognize any of the other ESU officers. The only other officer he recognized was PO Lisa Hofelich who he stated did his arrest paperwork.

Results of Investigation

All of the remaining victims in this incident were interviewed at the CCRB on May 5, 2006, except for § 87(2)(b) and § 87(2)(b) who were interviewed on July 17, 2006 (see enclosures # 17, 21, 23, 25, 27, 29, 31). Each of the identified victims from this incident viewed photographs of possible subject officers at the CCRB on October 4, 2006 (see enclosures # 18, 22, 24, 26, 28, 30, 32). And while the neighbor was present for this incident, no one could provide his name or any contact information for him. As such, his statement about the incident was not obtained.

§ 87(2)(b)

§ 87(2)(g)
§ 87(2)(b) she stated that when ESU first entered the house they were yelling “Get down, get the fuck down” repeatedly and instructing everyone to face the wall and put their hands behind their backs. § 87(2)(b) stated that it was while she was lowering herself to the ground that she heard § 87(2)(b) ask the officers not to throw her down because she had a bad back. In response to that, though she did not actually see it, an officer hit § 87(2)(b) in the face with a shield while telling him to get down. She denied ever being thrown or hit down to the ground. § 87(2)(b) stated that it was the ESU officers who brought the family together in the living room and that when she asked one of the officers for a warrant, she was told to shut up, turn her head back to the wall, and that the detectives would show it to her. She alleged that it was as the ESU officers were leaving the house that she overheard an officer threaten § 87(2)(b) with force. The officer stepped on § 87(2)(b)'s foot as he was saying this, breaking a pin in his foot. The same officer then intentionally stepped on § 87(2)(b) breast as he was walking out of the house. She made no mention of hearing § 87(2)(b) screams from the basement. § 87(2)(b) stated that the detectives came into the house and began to search it. She stated that there was a male and a female officer, identified as PO Lisa Hofelich, searching the upstairs of the house, a third officer searching downstairs who she described as approximately 6 ft, 230 pounds and had glasses, an officer standing by the door, who she described as in uniform, with brown hair and a small frame, and then a fifth officer who took each person out of the house one by one to a police vehicle, identified through the investigation as PO Anthony Salato. § 87(2)(b) stated that she asked the detective searching the downstairs and PO Salato for the search warrant but the officers never showed it to her, saying that while they had one, they did not have to show it to her.

§ 87(2)(b) described the ESU officers as “very nasty and very rude.” She stated that she thought there were approximately 6-7 of them, but she was not positive because she had been looking at the wall for most of the time that they were there. § 87(2)(b) thought that all of the officers were white and that the first officer with the shield was the one who hit § 87(2)(b). She also thought he was the officer who got the ladder for the attic, threatened § 87(2)(b), stepped on his foot and stepped on her breast. She described him as a stocky white male, possibly with a mustache. She could not describe any of the other ESU officers though because they wore helmets and she was looking at the wall the majority of the time they were there. § 87(2)(b) described the detectives as very nice and understanding, since they allowed her to remove her handcuffs while they searched her house.

§ 87(2)(b) stated that while her breast was tender, she had not received medical attention for it. She denied seeing any actual physical force used against anyone, stating her face was to the wall in the living room and that she had not seen what happened in the rest of the house. However, she stated that she knew some force was used given what her family told her and the injuries each person had sustained. § 87(2)(b) described the damage to her home as the front door having some dents in it, the frame having cracks, the window shade being cut (though she could not describe what she meant by it), marks on the wall, clothes all over the floor and each room in disarray. She also stated that bottles had been broken and the AC unit turned over so liquid was all over some of the floors and a broken computer. § 87(2)(b) claimed that they have photographs of the damage but that they could not develop them in time for the interview but would send them to the CCRB later. § 87(2)(b) stated that she is in disbelief that this happened to her and her family because they have never had serious trouble with the law. She stated that she hopes, by filing this complaint, another family would not have to go through what hers did. She described this as an “awful experience” and wants to know why the officers chose her house. She and her family are also filing civil suit in regard to this incident.

§ 87(2)(b) was also interviewed by IAB on May 30, 2006. § 87(2)(g) She told IAB that when the officers first entered her home they yelled “Get down motherfuckers,” rather than “Get the fuck down.” She also stated that someone yelled at her son, “Don’t look at me motherfucker or I’ll kick your ass.” However she did not specify which son this was said to or which officer said it.

The only ESU officer § 87(2)(b) was able to recognize during the photo viewing was Det. Stephen Clifford, who she stated was inside the house. She thought DI Stephen O’Brien was an officer from the 105th Precinct and was inside the house and she recognized PO Lisa Hofelich, from the 105th Precinct as the officer who searched her. She could not identify any of the other officers.

§ 87(2)(b)

§ 87(2)(g) he described the force used against § 87(2)(b) as § 87(2)(b) first falling back against a couch as he was going down to the ground and then being hit in the face with a police shield, which slammed him down to the ground. Two officers then placed him in handcuffs while saying “I told you to get your fucking ass down.” § 87(2)(b) stated that he did not see what, if anything, happened with his mother as she was going down to the ground. § 87(2)(b) alleged that he could hear § 87(2)(b) screaming from the basement before the ESU officers brought everyone together in the living room. He also alleged that the ESU officers were calling his name and that they knew he was dealing drugs. He described the force against his mother as an ESU officer kicking her in the chest, not stepping on her, though he admitted that he did not see it, just heard his mother ask the officer why he kicked her. § 87(2)(b) stated that once the detectives entered the house, he was the first to be removed to the prisoner van, so he did not see the search or anything that happened with the detectives. However, he did mention that they were asking the ESU officers for the warrant and were informed that the detectives had it, and he knew the detectives never showed it to anyone. Lastly, he stated that each time he tried to look up at the officers, they would say things like “don’t fucking look at me or we’ll kick you in your fucking face.”

§ 87(2)(b) stated that he thought in total, there were at least 20 officers present, but he could not say how many of them were ESU officers. He stated that because they kept running around the house and were in helmets, he did not get a clear look at how many were there or what they looked like. § 87(2)(b) stated that none of the officers used any physical force against him and that he did not receive any physical injuries nor did he require any medical treatment. He stated the only physical force he saw used was against his mother and brother and while he heard his nephew screaming, he did not know what happened downstairs.

§ 87(2)(b) was also interviewed by IAB on May 30, 2006. § 87(2)(g) He stated to IAB that he knew it was a raid as he looked outside and saw the police and he stated that he thought all of the officers were carrying shields. He also stated that § 87(2)(b) was hit with a shield as he was going down to the ground and

that two officers then “jumped” on him and placed him in handcuffs. Lastly, he stated that officers came in from both the front and back door to secure the location and he did not mention anyone asking for a warrant.

§ 87(2)(b) viewed the photographs of the subject officers, but he did not recognize any of the ESU officers. However he thought PO Robert Rizzotto, from the 105th Precinct, may have been the ESU officer standing by the front door. He recognized PO Christine Balsamo and DI Stephen O’Brien as having been present at the scene and was 60-70% sure that DI O’Brien was the ESU officer who hit § 87(2)(b) with a shield. He also identified PO Lisa Hofelich as being there and also thought PO George Rath, from the 105th Precinct, looked familiar. He did not recognize any other officers.

§ 87(2)(b)

§ 87(2)(g) he stated that it was immediately after the ESU officers entered the house that § 87(2)(b) got hit in the face with the shield, hitting him into the couch. The officers then threw § 87(2)(b) and § 87(2)(b) to the ground. § 87(2)(b) then got up from the couch and the officer hit him a second time on the side of his face with the police shield, knocking him to the ground. The same officer then went immediately to § 87(2)(b) who had been sitting with his hands up at the table. The officer hit him in the face with the shield, cutting his lip, and he flew backwards into the kitchen. Three officers then placed § 87(2)(b) in handcuffs and an officer dragged him face-down on the floor by one leg through the dining room and into the living room, where he saw that everyone had been placed in handcuffs. ESU officers then searched through the house and at one point, § 87(2)(b) asked the officers what they were looking for and an officer said to him, “Don’t fucking look at me or I’ll kick you in your face.” § 87(2)(b) stated that eventually ESU left and the second group of officers came into the house, searched it and arrested everyone except for § 87(2)(b). He admitted to having the marijuana in his pocket. § 87(2)(b) made no mention of § 87(2)(b) being stepped on or anyone asking for a warrant.

When asked to approximate the number of officers, § 87(2)(b) originally stated that he thought there were 75 ESU officers searching through the house, before he changed it to approximately 40. He described one of the detectives as a bald white man, approximately 5’11, with a blond goatee. He stated that though he did not know if he did anything in the house, he remembered him walking through it. He also stated that there was a female officer at the house and the stationhouse who was white, with long blond hair and was skinny. He could not describe any of the ESU officers because they were wearing masks.

§ 87(2)(b) stated that though his lip was bleeding, he never saw a doctor about his injury. He stated that he did not see any other force used than what he mentioned, because he was kept face-down facing the kitchen and he did not hear if the officers used any more profanity because he was not paying attention. He also stated that he did not notice any injuries on anyone. § 87(2)(b) is filing a civil suit in regard to this incident and when asked what he wants to happen to the officers, he stated that they did the “job wrong” and he wanted them to go to jail. He stated that officers arrest the wrong people all the time and “make things up,” and he wanted them to go to jail so they could see what their actions do to people.

§ 87(2)(b) statement to IAB on May 30, 2006, § 87(2)(g) He told the CCRB that officers used force when first entering the house, but to IAB he stated that it was the same officer that hit him in the face with the shield who used force against everyone else in the front room. He also alleged that the same officer hit § 87(2)(b) and § 87(2)(b) with the shield, when he told CCRB they were thrown to the floor instead. He also told IAB that that officer told him to “Get the fuck on the floor” before hitting him, which he never mentioned to the CCRB.

The only officers § 87(2)(b) recognized from the photo viewing were PO Lisa Hofelich as the officer who searched him and PO Anthony Salato, who he was 75% sure was the officer who escorted him to the prisoner van.

§ 87(2)(b)

On April 26, 2006, at approximately 8 PM, § 87(2)(b) was standing outside of § 87(2)(b) in Queens, talking with one of the neighbors, whose name she did not recall, though she knew he lives across the street. § 87(2)(b) was standing on the steps of the house, while the neighbor was approximately 3 feet away from her in the street, when § 87(2)(b) saw a detective's car pull up, followed by an ESU van, a prisoner van and then two more detective cars. The neighbor stepped closer to her, in an attempt to move out of the officers' way, but the ESU officers jumped out of the van and came at them with their guns drawn and yelling, "Get down, everybody get down, get down!" § 87(2)(b) lay down on the steps, in front of the door, with her hands by her ears, and the neighbor, though he did not lie down, immediately put his hands in the air and asked what the problem was. An ESU officer then pushed the neighbor down to the ground by his shoulders and then the officer and two more ESU officers jumped on top of him. Two of the officers stood up, while the third officer was handcuffing him. Immediately before handcuffing him, an ESU officer ran right to § 87(2)(b) picked her up by her jacket collar with one hand, and threw her against a brick fence that was a couple feet away saying, "Didn't I tell you to get down," and pointed his gun at her. She then fell to the ground, lying face up. The officer then instructed a female detective, in plainclothes, approximately 5'6, with long brown/blond hair, a skinny build, and in her early 30's., identified through the investigation as PO Lisa Hofelich to handcuff her, which she did. PO Hofelich asked her if she had any weapons and then searched her.

Now that § 87(2)(b) was no longer blocking the entrance to the house, the ESU officer continued on and he and some other ESU officers broke down the door to the house with a battering ram and then entered it, with their guns drawn. While § 87(2)(b) remained outside, she could hear the officers yelling, "Get down, everybody get down!" She thought there were ten ESU officers, all of them dressed all in black and wearing helmets. They all had their guns out and an officer was holding a shield. At one point, § 87(2)(b) was able to look inside and she saw that people were lying on the floor. She could also hear screaming coming from the house, but she did not know who was screaming or why. She stated she did not hear the officers use any profanity, but that she was outside the house. She also asked the officers generally to see a warrant, but was told they only had to show it to the owner of the house. After approximately 5-10 minutes, § 87(2)(b) was escorted inside the house and into the living room, where everyone else was sitting, handcuffed. At that point, she noticed that § 87(2)(b) her boyfriend, had a bruise on his face and that it was swollen. She stated that he told her he got it from being hit with a shield. The ESU officers then left the area and only the detectives remained. While they were all seated, the officers searched through the entire house, going into all of the rooms, including the attic and the basement. § 87(2)(b) stated that she saw PO Hofelich in the kitchen and two male officers going through the house. She stated that there was an officer standing in the doorway, watching them and a supervisor outside the house, who she described as a tall white male, approximately 5'6, with sandy brown hair, a skinny build, in his late 30's and dressed in a white shirt. After searching the house for approximately 1.5-2 hours, and only finding a small amount of marijuana on one person, everyone was arrested and taken to the stationhouse on narcotics charges. She was eventually taken to Central Booking, where she remained until the charges were dropped. § 87(2)(b) stated that after she was released, she went to § 87(2)(b) a couple days after the incident, because her left hand/wrist was hurting her. She stated that x-rays were taken and it is sprained, with possible nerve damage. She stated that she is going back to the doctor again soon. She told the doctors that she was "assaulted by the police" and was "pushed against a brick wall."

§ 87(2)(b) stated that she only saw physical force used against her and the neighbor. She also only saw injuries on § 87(2)(b) and § 87(2)(b) both of whom had bruises on their faces, which they said was from an officer hitting him with a shield and an officer stepping on his face, respectively.

IAB interviewed § 87(2)(b) about the incident on May 30, 2006. § 87(2)(g) She made no mention to IAB of any force used against her neighbor and she also did not mention the injuries she saw on people

once she was brought inside the house. She also did not mention asking for a warrant. She mentioned to IAB that the ESU officer who used force against her had been holding a shield in one hand when he picked her up with the other, holding her on her tip-toes, before throwing her, which she did not mention to CCRB. She also told IAB that she was held outside the house for 30 minutes, where as she told the CCRB it was only 5-10 minutes.

After viewing the officers' photographs, § 87(2)(b) identified either Sgt. James Buscemi, from ESU, or Lt. Matthew McGuire, from the 105th Precinct, as being outside the house in a white shirt during the incident. She also identified PO Lisa Hofelich as the officer who handcuffed her, PO Christine Balsamo from the 105th Precinct as being present at the scene and Sgt. Mark Holochuck as one of the officers who handcuffed the neighbor. She did not recognize any of the other officers.

§ 87(2)(b)

On April 26, 2006, § 87(2)(b) was at a barbecue at § 87(2)(b) in Queens, with his friends § 87(2)(b) and § 87(2)(b) and § 87(2)(b) family. At approximately 8 PM, § 87(2)(b) informed § 87(2)(b) that it was time for him to leave. § 87(2)(b) walked § 87(2)(b) to the side door at the back of the house. After § 87(2)(b) who is 5'6, turned around to slap hands with § 87(2)(b) who was standing in the doorway to say goodbye, he was suddenly kicked one time in the side of the head. § 87(2)(b) stumbled backwards and an officer, whom he thought to be the same one who kicked him and charged at him though he did not actually see who kicked him because the kick came from behind the side of the house, pushing him back by the stomach into the gate, where § 87(2)(b)'s hand got stuck inside of it. He described this officer as a heavyset male with dark hair, approximately 5'6 and "kind of white." A few officers then pulled his hand out of the gate and § 87(2)(b) fell down to the ground. While he was on the ground, additional officers came to the back of the house and entered through the back door that was then closed, because § 87(2)(b) had gotten scared when he saw § 87(2)(b) get kicked and had shut the door. However, some officers remained with § 87(2)(b) and they questioned him. He was asked if he had any weapons and if he lived there. He was then asked for his identification, which he provided, and he was searched. After the officers ran his ID and saw that he did not have any warrants out for his arrest, they returned his ID to him. They continued to question him, this time asking about drugs in the house and if his CD player had any bullets in it or if it could shoot someone, all of which he denied. A sergeant, who he described as a male, shorter than 6 ft with "kinda brown, light black hair," then informed him that if everything was "clean" then the officers would let § 87(2)(b) go. It should be noted that § 87(2)(b) alleged that he was kicked a second time on the ground, but he later stated that no physical force was used against him while he was lying on the ground. While he was waiting on the ground, he could hear officers running around the house yelling "Police, don't move!" He could also hear § 87(2)(b) screaming from the basement for the officers to "stop" and that he was "already on the floor." He later found out from § 87(2)(b) that § 87(2)(b) was getting "stomped on" by the officers. § 87(2)(b) stated that these were the only things he could hear from inside the house. A female officer then came over and took § 87(2)(b)'s ID a second time and returned it to him later at the stationhouse. Despite the fact that the sergeant said § 87(2)(b) would be let go, § 87(2)(b) was handcuffed and taken into the house. He also saw a man, who he described as the "boss," who he never spoke to, as a tall man in a white shirt standing by the front of the house, with a tattoo going around his arm.

Once inside the house, everyone was placed inside the living room, mostly on the floor, and they were instructed to be quiet while the officers searched through the entire house. At one point, an officer instructed § 87(2)(b) who was lying on the floor, to move and so § 87(2)(b) attempted to help him do so. However, an officer flipped over a couch on top of § 87(2)(b) instead. Officers searched through the entire house and seemed to break things because the sound of glass breaking could be heard. Eventually, one by one, everyone was removed from the house and placed inside of a black vehicle where they were further questioned about guns and drugs being sold from the house. Each person was then placed inside of the prisoner van and taken to the stationhouse and later Central Booking. § 87(2)(b) described the search of the house as lasting between 1-2 hours and in that time; the officers did not find anything in the house. He stated he did not know what he was even charged with because the charges against him were dropped before he ever saw a judge. After being released from Central Booking, § 87(2)(b) went to the hospital, maybe § 87(2)(b) for treatment for his hand, which was swollen, and

was possibly going to see a private doctor. He was informed that his thumb was broken and there was damage to his wrist. He stated he thought he injured it when it was caught in the gate.

§ 87(2)(b) described the physical force against him as getting kicked and “speared” in the chest. He also stated that he personally did not hear the officers use any profanity towards anyone. He also knew that § 87(2)(b) had been beat up and that § 87(2)(b) had showed him photographs of a couple things, like the computer, that were broken during this incident. § 87(2)(b) stated that there were two groups of officers during this incident. The first group in the front wore helmets and had their guns out. The second group, which he thought were from the 105th Precinct because he had seen them around before, were the ones he was with at the back of the house.

§ 87(2)(b) was interviewed by IAB on May 30, 2006, § 87(2)(g). He told IAB he was right outside the back door when he got kicked, rather than farther ahead as he told CCRB. He also seemed to say that two different officers kicked him and rushed him, where he told CCRB he thought it was probably the same person. It is also unclear if he told IAB that officers entered the house through the back as he told the CCRB they did. Although he told IAB that the sergeant attempted to enter the back, but it was closed and the sergeant instructed officers to go through the front and let him in. Lastly, he told IAB that he received medical treatment from a private doctor, rather than at a hospital.

Though § 87(2)(b) viewed all of the officers’ photographs, he did not recognize any of the ESU officers. He did recognize Sgt. Mark Holochuck, from the 105th Precinct, stating that he was at the back of the house with him but did not use force against him. He also recognized PO George Rath, PO Shawn Gallagher and PO Lisa Hofelich as being the officers at the back of the house with him, but he did not identify them as the officers who used force against him. He also recognized Lt. Matthew McGuire from the scene, but stated that he never interacted with him.

§ 87(2)(b)

On April 26, 2006, § 87(2)(b) was walking his friend § 87(2)(b) out of the back door of his grandmother’s house. § 87(2)(b) was walking a little ahead of him to the front of the house and when § 87(2)(b) turned to close the back door behind him, he saw a foot come out from the side of the house and kick § 87(2)(b) in the face. He fell down to the ground and an officer came out, picked § 87(2)(b) up from the ground and threw him into the trashcans. § 87(2)(b) stated that § 87(2)(b) s back had been to him so he could not see where the officer kicked his face or grabbed him to pick him up. He stated that he also could not describe the officer because it was very dark out and § 87(2)(b) was not wearing his glasses or contacts.

When § 87(2)(b) saw what happened, he ran back into the house and down into the basement. While at the bottom of the basement steps, § 87(2)(b) a family friend, also ran into the basement and past him. After she came in, four ESU officers in masks went to the top of the steps and were pointing their guns at § 87(2)(b) who had his hands in the air. It was at that point that § 87(2)(b) realized the men were police officers. The officers yelled at him to “get on the fucking floor” repeatedly, which he did. The officers then made their way down the steps and both § 87(2)(b) and § 87(2)(b) were lying facedown on the floor. One of the officers then intentionally stepped on the right side of § 87(2)(b) face and dug his foot in, bruising the side of his face and slightly chipping his front tooth. § 87(2)(b) who was lying near § 87(2)(b) was crying. § 87(2)(b) tried to calm her down and at one point, he asked the officer who stepped on his face if he could speak with her. The officer said no, told him to “shut his mouth” and kicked him once in his ribs on his left side. After approximately 35-40 minutes, the four officers received a call over their radios stating that everything was “clear.”

A second group of officers, one in plainclothes and two in uniforms came downstairs and the ESU officers left the house. The second officers then escorted them upstairs and sat them with everyone else who had been in the house, meaning his father § 87(2)(b) his uncle § 87(2)(b) his grandmother § 87(2)(b) and § 87(2)(b) § 87(2)(b) was brought upstairs and he noticed that § 87(2)(b) had marks on one side of his face and told him he received them from being hit in the face with a shield. While they were seated together, 4 officers remained with them while 3

officers searched through the entire house. § 87(2)(b) asked them why they were there and if they had a warrant, but the officers never provided an explanation and stated that they only needed to show a warrant to the owner of the home. § 87(2)(b) later asked § 87(2)(b) about it and she stated she was never shown a warrant. § 87(2)(b) stated that they were each removed from the house one by one and questioned. Everyone except for § 87(2)(b) was arrested for § 87(2)(b), even though the officers only found marijuana in § 87(2)(b) jeans pocket. After approximately an hour and a half, everyone, except for § 87(2)(b) was removed to the stationhouse and eventually to Central Booking. After two days, they were released and the charges were dismissed. Everyone then went to § 87(2)(b) together for medical treatment. § 87(2)(b) was put on a soft diet and instructed to go to the dentist for his tooth. He did so and his tooth was sawed down. He told the doctors that he was “kicked in the face.”

§ 87(2)(b) stated that he did not see the officers use physical force against anyone else. He stated that while he heard about physical force being used against § 87(2)(b) he did not actually witness it. He stated the officers also used a lot of profanity and he could hear the officers threaten to “beat your § 87(2)(b) ass.” He stated he could not describe any of the ESU officers because they all wore masks over their faces. The officer dressed in plainclothes down in the basement was a white male, approximately 6’5 with brown hair. He stated there was also a female officer who did the paperwork who was very nice. He described her as approximately 5’9, with long brown hair and in her early 40’s. He stated that she did not use any profanity.

§ 87(2)(b) statement to IAB on May 30, 2006, § 87(2)(g) § 87(2)(b). The differences are that he made no mention of hearing § 87(2)(b) get threatened with force or anyone asking for a warrant to IAB. He also stated that he only saw § 87(2)(b) get kicked in the face, but he told CCRB that he was also thrown into some trashcans. Additionally, the only force in regard to § 87(2)(b) was saying that she had been thrown to the ground. § 87(2)(b) told IAB that he was kicked in the left side of his face, which hit the right side of his face into the ground. However, he alleged to CCRB that an officer stepped on his face, grinding it into the ground. Lastly, he stated to IAB that he was only downstairs with the officers for 10-15 minutes while he said to CCRB that it was 30-45 minutes.

§ 87(2)(b) viewed all of the officers’ photographs and was 60% sure that Det. John Conk, from ESU, was the officer who escorted each person out of the house to the prisoner van. He also felt that Sgt. James Buscemi, PO Christine Balsamo, DI Stephen O’Brien and PO Anthony Salato (from the 105th Precinct) looked familiar but he was not sure if that was from the house or around the area. § 87(2)(b) identified Lt. Matthew McGuire and PO Lisa Hofelich as being at the house. He also felt PO Shawn Gallagher, from the 105th Precinct was also in the house at some point.

§ 87(2)(b)

On April 26, 2006, § 87(2)(b) was visiting friends at § 87(2)(b) in Queens, and was in the living room when she heard noises coming from outside the house that sounded like a fight. § 87(2)(b) described the neighborhood as “unpredictable” and stated that she wanted to avoid the fight. So § 87(2)(b) walked to the back door of the house. However, when she opened the door, she saw three ESU officers, all of them with their guns out and in her face. She stated there was one male officer in the front and two behind him. She stated all she saw was that the one in the front had blond hair. § 87(2)(b) got out of the officers’ way and ran downstairs into the basement. When she came down she saw § 87(2)(b) already down there by himself, on his knees with his hands behind his head. Two officers followed her downstairs, with their guns out, yelling at them, “Get down!” An officer, identified through the investigation as Detective John Conk, pushed § 87(2)(b) down with both hands and then stomped on the middle of his back with one foot to insure that he was down on the ground. Det. Conk then grabbed his arms and handcuffed them behind his back. § 87(2)(b) stated that though she did not see it, she heard Det. Conk kick § 87(2)(b) because she heard his head hit the floor. He also kept saying that his head was hurting. The second officer, identified through the investigation as Det. Robert Honeyman, approached § 87(2)(b). She was already lying facedown on the ground, with her arms out in front of her. But Det. Honeyman grabbed her arms, lifting her up a little and then he slammed her back down so he could twist her arms and place the handcuffs on her.

While lying on the ground, § 87(2)(b) had the left side of her face lying on the ground and she was looking at the officers. She saw one of them watching her and § 87(2)(b) and the other one walking around the basement, looking under a bed and flipping other things over, looking under them. § 87(2)(b) then asked Det. Honeyman not to hurt her and he responded by kicking her in the right side of her head. § 87(2)(b) who was very scared, began to cry and § 87(2)(b) kept trying to tell her to calm down. But Det. Honeyman kept instructing him to “shut up.” He tried to explain that § 87(2)(b) had an anxiety disorder, but the officer would not listen. After approximately 10 minutes, the officers brought § 87(2)(b) and § 87(2)(b) upstairs. Once they were brought upstairs, their identification was checked and their pockets were searched. They were placed in the living room with the rest of the family. The ESU officers then left the house and the other officers came in and searched it. § 87(2)(b) thought there were 6 officers there, one of who was standing by the door in a blue uniform who she described as “geeky” and was white, approximately 5’7 with a medium build and light brown/blond hair. At one point, § 87(2)(b) heard § 87(2)(b) ask to see a warrant, but she heard an officer respond that while there was a warrant, they did not have to show it to him and they were not going to. She described the officer who refused to show them the warrant as white, over 6 ft tall, with a big build, brown hair and possibly glasses. She stated he also mentioned his mother was § 87(2)(b). She also saw a female officer there who was approximately 5’6, with blond hair and a medium build. Almost everyone was arrested for § 87(2)(b) and they were all removed to a prisoner van one by one. They were transported to the 105th Precinct stationhouse and eventually Central Booking. However all of their charges were later dismissed. Once she was released, § 87(2)(b) went to § 87(2)(b) and was treated for a mild concussion.

§ 87(2)(b) stated that the only physical force she saw the officers’ use was kicking her in the head and stomping on § 87(2)(b) back, though she also heard an officer kick him as she heard his head hit the floor. She denied hearing any other physical force. She stated that the officers did not curse downstairs, but she could hear them saying, “shut the fuck up” upstairs.

§ 87(2)(b) statement to IAB on May 30, 2006 § 87(2)(g). She told IAB that she knew one of the officers at the back door went into the kitchen, which she did not mention to the CCRB. And while she was consistent about the force used against her, she told IAB that she saw an officer “stomp” on § 87(2)(b) face, while she told the CCRB that she only heard it happen.

After viewing all of the officers’ photographs, the only officer § 87(2)(b) recognized was PO Lisa Hofelich, stating that she took down everyone’s information.

Officer Identification:

All of the ESU officers were identified via roll call as having been present for this incident (see enclosure # 52a). The 105th Precinct officers were identified via the pre-execution plan as having been assigned to this warrant. PO Hofelich and PO Salato were also identified as the arresting officers for this incident.

Officer Statements:

PO Hofelich:

PO Lisa Hofelich was interviewed at the CCRB on September 6, 2006 (see enclosure # 34a-34e). She stated that on April 26, 2006, she worked the hours of 0930x0505 and was assigned to anti-crime with Sgt. Mark Holochuck and PO Anthony Salato. She was dressed in plainclothes and assigned to a marked motor vehicle. Her memobook states;

§ 87(2)(e) 1445- 98 to crim CT-obtain a search warrant; 1900- 98 to 105 PCT w/ search warrant § 87(2)(b) 2000- execute search warrant @ § 87(2)(b); 2200- 7 under from location”

Officers from the 105th Precinct for both warrants and officers from ESU then responded to the location. PO Hofelich stated that while she thought maybe 2 individuals were outside the house by the curb when they got there, she did not see what happened, because she went to her location a block away in the rear of the location to secure it, in case anyone escaped over any fences. She stated that she was stationed with Sgt. Holochuck and PO Salato there. She explained that ESU then entered and secured the location, while all the 105th Precinct officers were stationed in points around the area, for security. Approximately 10-20 minutes later, PO Hofelich was informed that the scene was secure. She then went to the house and entered it. When she got inside, she saw five individuals handcuffed on the living room floor. She thought another individual was handcuffed outside and another one in the basement. She and the precinct officers then brought all of the prisoners together into the living room and ESU and the officers conducting the second search warrant left the location.

PO Hofelich stated that she, Sgt. Holochuck and maybe a third officer, though she did not recall who, then searched the individuals and searched the house. The search of the house took over an hour because there were three floors to search. PO Hofelich stated that she did not find any marijuana on any person; rather she found some on newspaper, about to be rolled into a blunt, and some in a baggie in the dining room. Additionally, a large amount of paraphernalia, consisting of zip baggies specifically for packaging drugs, was found in the kitchen. Seven out of the eight people were then placed under arrest. The mother, who was the owner of the house, was not arrested because when PO Hofelich questioned her, she felt that due to the mother's long work hours, she was not home during the day when the drug sales were occurring and was not involved. PO Hofelich then used her discretion and chose not to arrest her. Everyone else though was arrested and removed one by one from the house and brought to a police van. They were all taken to the 105th Precinct stationhouse, where their arrests were processed. While at the stationhouse, PO Hofelich asked if anyone wanted any medical treatment, but no one said yes.

PO Hofelich stated that she thought in addition to her partners and ESU, Sgt. Dooley and members of SNEU were present during the warrant execution. However, she did not recall which officers specifically were there. She denied seeing anyone's physical apprehension, stating that from where she was located, she only had a visual of the top of the house. She stated that she was not told of any problems apprehending anyone or if any physical force was used. She also did not see any injuries on anyone. She stated that while she was searching the house, the people seemed to be confused, but they were calm. She did not recall if they asked any questions as to why the officers were there and she denied hearing anyone ask to see a search warrant. She stated that when the officers left the house, it was "messy," but she did not think anything was broken. She stated that the combination of ESU and precinct officers going through the house leaves things that way.

Detective Clifford:

Detective Stephen Clifford was interviewed at the CCRB on January 12, 2007 (see enclosure # 42a-42d). He stated that on April 26, 2006, he worked the hours of 1515x2350 and was assigned to ESU. He was working with Sgt. James Buscemi, dressed in uniform and assigned to a marked motor vehicle. His memobook states; "1900- s/w § 87(2)(b)"

On April 26, 2006, Detective Stephen Clifford and the members of his ESU team were instructed to respond to the 105th Precinct and were briefed in regard to 2 search warrants they would be conducting. The first warrant was at § 87(2)(b) in Queens and was in regard to guns and drugs. Det. Clifford was the chauffeur that day and was assigned to drive the ESU truck and hand out the weapons to the officers at the scene. Once the team arrived at the location, they put on their vests and helmets and got their tactical equipment. Det. Clifford was assigned to the doorman position, meaning he was the last person in and his responsibilities were the overall safety of the team, making sure no one entered the location from the outside and providing any cover for the team if it became necessary to make a tactical exit. He stated that everyone got into formation, meaning a bunker (shield) then a gun, then another bunker and gun team, a supervisor, tools and cuffs personnel and then the doorman. While ESU entered through the front door, members of the 105th Precinct provided outside security around the house.

ESU made their entry and usually, the lead bunker yells "Police, search warrant! Get down on the ground!" The first team's job is to get as deep into the house as possible, addressing any threats on the way while instructing everyone to get down on the ground. If anyone is uncooperative or gets in their way, the lead bunker would do what he had to to reach his objective, which may include pushing past people with their shield. While this is going on, the other officers then go for the stairs and closed doors. The officers try to secure the place as quickly as possible and place everyone down on the floor in cuffs. Once the scene is secure, the command whose search warrant it is enters the house, documents all of the prisoners locations and sorts out the rest. In this instance, Det. Clifford's job as doorman was to remain by the front door on the inside and watch the scene. He stated that by the time he entered the house, there were 2 males and a female in the front room and they were already on the floor in handcuffs. One of the males was closest to him by the door and the other two were further in the room, so he could not see them that well. While he was standing by the door, the people in the room were yelling and there was a lot of profanity. He recalled them saying "This is bullshit," and asking why the police were there. Additionally, he recalled the woman asking to see the warrant, but she was told that they [ESU] do not carry it and that when the precinct officers come in, they will explain what was going on. Additionally, Det. Clifford stated that he spoke with the male closest to him, by telling him to be quiet and to face the wall. The individual was uncooperative though, so he was instructed to do these things multiple times. After ESU finished securing the location, Det. Clifford let the precinct officers into the house. ESU then left the scene and conducted the 2nd warrant.

Det. Clifford stated that he thought ESU was at the house for 10-15 minutes. He stated that he did not really leave the front door so he never went through the house and he did not handcuff anyone or have any physical contact with any of the civilians. He stated that the people in the front room were already secured and he did not witness how they were brought to the ground or if they had any injuries. When asked if he saw anyone use their shield against any of the civilians, he denied it, saying the bunkers were already "well inside" when he entered the house. He denied using or seeing another officer use any physical force against anyone and he was not aware of any problems apprehending anyone. Det. Clifford stated that while it is standard procedure to tell people to stay quiet and to face the wall, he did not hear if this was said to anyone besides the male that he spoke to. However Det. Clifford denied the use of profanity and any threats of force.

Detective Honeyman:

Detective Robert Honeyman was interviewed at the CCRB on January 5, 2007 (see enclosure # 40a-40d). He stated that on April 26, 2006, he worked the hours of 1515x2350 and was assigned to ESU with Det. John Conk. He stated that he was dressed in uniform and assigned to a marked ESU truck. He did not have any entries in his memobook in regard to this incident.

On April 26, 2006, Det. Robert Honeyman and his ESU team were assigned to a search warrant for the 105th Precinct in regard to guns and drugs. The officers then suited up and went to § 87(2)(b) in Queens and conducted the warrant. Det. Conk was assigned to the lead bunker, so he had a shield in one hand and a gun in the other. Det. Honeyman went in behind him with an MP5 and he thought behind him were Detectives John Caracci and Michael Degregorio. All of ESU walked to the front door together and were in one line when they entered the house and were in the living room. Det. Honeyman stated that the scene was chaotic and they were yelling at the people in the house to get down on the ground. He stated that while he thought there were a couple people in the living room, he and Det. Conk passed them quickly as to get deeper into the house. He stated that he did not have any contact with them at all or even know if they were compliant. He stated that he assumed the team behind him dealt with them.

Det. Conk, followed by Det. Honeyman, made their way into the kitchen, where he thought someone was there. They just instructed him to get down on the ground and Det. Honeyman believes that the individual was so shocked, he was compliant and went down without any problems. They simply went past him and went downstairs, just the two of them, into the basement. Once in the basement, Det. Honeyman saw that there were two individuals there, one of whom was female. The officers announced themselves and instructed them to get on the ground and Det. Honeyman stated that he remembered that the woman was so scared, that she immediately complied and he handcuffed her without incident. He stated that he did not recall if Det. Conk handcuffed the second individual, but he knew that he did go to him. Once both of them were secured, the officers did a secondary sweep of the basement for people and then waited until they were told the scene was secure. While waiting, he stated that he remembered the woman as being very scared and he told her to sit tight and that she would get an explanation for everything from the other officers. Once the scene was secured, approximately 10 minutes later, officers from the 105th Precinct came downstairs and relieved them, and ESU cleared out of the location.

Det. Honeyman stated that he did not think there was anything out of the ordinary about this incident. He denied using physical force against anyone throughout this incident or any profanity. He also stated that he did not see another officer use any force and stated that he did not see Det. Conk hit anyone with his shield. He explained that he did not think any force was necessary against the people in the basement because they were compliant. He denied ever threatening anyone with physical force and stated that he did not know if anyone was arrested outside the location. Lastly, he stated that he did not think they were asked for a warrant, but if they were, they always say that the other officers would show it to them.

Sgt. Dooley:

Sgt. Daniel Dooley was interviewed at the CCRB on December 28, 2006 (see enclosure # 39a-39c). He stated that on April 26, 2006, he worked the hours of 1030x1905 and he was the Intel sergeant for the 105th Precinct. He was dressed in plainclothes and assigned to an unmarked motor vehicle. His memobook states; "1900- execute SW § 87(2)(b). (+)"

On April 26, 2006, at approximately 7 PM, Sgt. Daniel Dooley, who is the Intel sergeant for the 105th Precinct, was a member of the team that was executing a search warrant at § 87(2)(b) in Queens. He stated that per his role as the Intel sergeant, prior to executing the warrant, he does the checks for the location. By this, he verifies who lives there, if anyone has a warrant, if there are any illegal apartments there, etc. He stated that he did not think there was anything out of the ordinary with this location, but he thought that a couple people had warrants out for their arrests.

That day, Sgt. Dooley, members of the 105th Precinct, and ESU executed the search warrant. He stated that as it was an ESU entry, he and PO Rizzotto were assigned to rear security, while other members of the 105th Precinct secured the sides and front of the house and the ESU trucks. He stated that he thought his Intel Lieutenant, Lt. Daniel Fisch, was there as was Lt. Matthew McGuire and DI Stephen O'Brien. As ESU entered the house through the front door, a young black teenager, identified as § 87(2)(b) ran out through the back of the house and attempted to climb the fence and get away. Seeing this, PO Rizzotto and Sgt. Dooley grabbed him and placed him in handcuffs. While § 87(2)(b) kept yelling that he had not been inside the house, the officers instructed him to relax and to stay where he was. The officers remained in the back with § 87(2)(b) until they were notified that ESU had secured the house. Once they were

notified of this, Sgt. Dooley and PO Rizzotto walked him to the front of the house and handed him off to another officer, probably from the 105th Precinct, who brought him inside the house. Sgt. Dooley then rounded up the ESU officers and left the location with them to execute a second search warrant.

Sgt. Dooley stated that he thought he was at the location for 20-25 minutes and in that time, he only entered the house once, to inform his supervisors that he was leaving the scene. He stated that he was not part of the search of the location and never interacted physically or verbally with any of the prisoners, except for § 87(2)(b). Sgt. Dooley stated that he thought he and PO Rizzotto were by themselves at the rear of the house and that no other officer joined them. He stated that they never drew their weapons and the only force used against § 87(2)(b) was when they grabbed him. Sgt. Dooley explained that while it was possible PO Rizzotto frisked the individual, he did not think he was searched. Lastly, Sgt. Dooley explained that he could not hear what was going on inside the house while ESU was securing it, or afterwards. He explained that he was not there long enough to hear if they had any questions.

Additional Officer Statements:

Sgt. James Buscemi was interviewed at the CCRB on December 22, 2006 (see enclosure # 37a-37d). He stated that when the officers arrived at the location, they saw a woman sitting on the stoop by the door. Sgt. Buscemi stated that he thought she was removed from the stoop, without incident, and handed off to someone from the 105th Precinct, since ESU cannot get caught up in handcuffing someone before they make their entry. ESU then made their entry into the house and immediately saw people in the main area and smelled marijuana. He stated that usually the lead officer speaks to the people in the house, yelling things like "Police, search warrant!" and "Get down!" He stated that he went past the people in the main area and the back team must have secured them, because they were not secured when he went past them into the kitchen and up the stairs to the second level. Sgt. Buscemi explained that the front officers entering the house cannot get caught up, since their job is to get as deep into the house as quickly as possible, to secure the scene easier. He stated that normally if people are observed but do not seem to be armed, the lead guys, himself included, will usually pass them, leaving the people to the remaining members of the team, possibly the front security officer. Sgt. Buscemi and other officers then went up the stairs to the second floor where two individuals were apprehended. The officers he was with placed them on the ground and in handcuffs without incident. His other teammates would have fanned out throughout the rest of the house. Once everyone is handcuffed and secured, ESU did a secondary sweep to make sure they had not missed anyone. Once he felt the scene was secure, which he thought took approximately 10 minutes, Sgt. Buscemi went downstairs and called in the officers from the 105th Precinct and handed the scene over to them. ESU then left, with some of the 105th Precinct officers, and conducted the second search warrant. Sgt. Buscemi stated that he did not see any physical force used against anyone, though he could not recall if anyone in the house had to be placed on the ground, and did not see anyone get hit with a shield. He denied taking part in anyone's apprehension, hearing any profanity or any threats of force. He also stated that he did not recall what questions, if any, the people asked or if the officers were asked for a search warrant.

Detective John Caracci was interviewed at the CCRB on December 27, 2006 (see enclosure # 38a-38b). He stated that when ESU arrived at the location, they got into their formation. He stated that someone may have been apprehended outside the house, but thought a precinct officer would have handled it. He was in the 4th position, behind PO Michael Degregorio who carried a police shield, while he carried an MP5 gun. The officers then entered the location through the front door with the lead bunker yelling "Police, get down! Search warrant, get down!" to a group of 5-7 individuals in the front room. Given the number of people, Det. Caracci stated that he was sure he handcuffed at least one person, but he did not recall who. He stated that the people were yelling "racial shit," calling them "White devils" and "White motherfuckers." Once the downstairs was secured and those people were in handcuffs, Det. Caracci and PO Degregorio went through the kitchen and up the stairs to the 2nd floor to secure that. He did not recall if any civilians were in the kitchen at the time, but he did not think anyone was upstairs. He and PO Degregorio remained upstairs until they were told the scene was secure, upon which they left the location and executed the 2nd search warrant. Det. Caracci stated that he did not think there were any problems securing anyone in the house and that most people went to the ground when ESU first came in. He denied seeing any physical force used against anyone, hear any officer use profanity or threaten anyone with force.

PO Michael Degregorio was interviewed at the CCRB on January 17, 2007 (see enclosure # 43a-43d). § 87(2)(g) he stated that while he saw the people in the living room, he and Det. Caracci bypassed them and immediately went to the 2nd floor, not seeing their apprehensions. PO Degregorio stated that he did not speak or have physical contact with any of the civilians and did not recall if he saw anyone's apprehension. He denied hitting or seeing anyone get hit with a police shield and did not know if the civilians asked for a warrant as he never heard them speak.

Detective John Conk was interviewed at the CCRB on January 12, 2007 (see enclosure # 41a-41b). § 87(2)(g) he stated that a third officer went into the basement with him and Det. Honeyman, rather than just the two of them as Det. Honeyman had stated. He also stated that he went past the individuals in the basement, to check out the area and when he turned around, the individuals were already secured. Det. Conk stated that he did not interact with anyone on the first floor or make physical contact with them. He denied hitting anyone with his shield or it ever making contact with any of the civilians. He also denied ever using any sort of physical force against anyone, using any profanity, threatening anyone with force, telling anyone to be quiet or to face the wall. Det. Conk also stated that he did not hear anyone ask about a search warrant.

Lt. Matthew McGuire was interviewed at the CCRB on February 23, 2007 (see enclosure # 45a-45b). He stated that he was the site coordinator for the search warrant and officers from anti-crime, SNEU and ESU were present. He stated that he did not recall which perimeter security positions he assigned his officers, but thought that PO George Rath, PO Christine Balsamo and PO Shawn Gallagher were probably assigned to front security with him as they were SNEU officers and once the location was secure, they were going to leave to conduct the second warrant. Lt. McGuire stated that he recalled someone sitting on the front stoop and thought a precinct officer removed her from harms way and secured her, but he did not recall who. He explained that in situations like that, precinct officers secure those persons as to assist ESU and let them do their job. Lt. McGuire stated that he did not see any problems in the person's apprehension and denied her being thrown against a wall, stating that she seemed "happy" to get out of the way. ESU then made their entry and Lt. McGuire could hear them yelling, "Everybody down, search warrant!" He denied hearing any profanity. As this was going on, Lt. McGuire saw movement by the rear/side of the house and saw that his rear security officers, whoever they were, had the situation under control. He stated he assumed someone had run from the house and his officers later confirmed it. He could not describe the force used against this individual, stating that he just saw motion, but denied seeing the individual get kicked. After ESU secured the location, precinct personnel entered the house. Lt. McGuire stated that he never entered the house and remained at the scene for less than five minutes; as he, his SNEU officers and ESU went on to the second search warrant, leaving Sgt. Holochuck in charge. Lt. McGuire stated that to his knowledge, neither PO Rath, PO Balsamo nor PO Gallagher ever went to the back/side of the house. And he thought that all of the officers, meaning precinct officers and ESU, entered the house through the front door, never through the back or side of the house. He described this entry as one that was without incident.

PO Robert Rizzotto was interviewed at the CCRB on February 23, 2007 (see enclosure # 44a-44d). § 87(2)(g) PO Rizzotto stated that he frisked the individual who ran out of the house and felt a hard object, so he removed it. The object turned out to be a CD player, which he opened and confirmed had a CD inside of it. PO Rizzotto stated that while he did not think any other officers were with him and Sgt. Dooley at the rear of the house, he could not recall. He also did not recall any officers entering the house through the back while ESU was still securing the scene. He denied anyone kicking the individual who was apprehended at the back, stating that the only force used against him was when they grabbed his arms.

PO Anthony Salato was interviewed at the CCRB on September 29, 2006 (see enclosure # 35a-35d). § 87(2)(g) He stated that he was rear security a block away with PO Lisa Hofelich and Sgt. Mark Holochuck, but saw a couple officers, whose identities he did not recall, in the immediate backyard of the property, doing rear security there. Once they were given the all clear by ESU, they left their location and went to the house. PO Salato remained outside while Sgt. Holochuck, PO Hofelich and maybe other officers went inside. After a few minutes, Sgt. Holochuck called him to the house and instructed him to bring the prisoners one by one out of the house to the prisoner van.

PO Salato stated that everyone seemed “fairly calm” and were not really saying or asking anything, except for one individual who was trying to calm down his mother, who was upset. He stated that as he was escorting the prisoners out, PO Hofelich, Sgt. Holochuck and maybe a couple officers conducted the search of the house. PO Salato stated that because of his location, he did not witness any of the apprehensions. He also stated that he was not part of the search of the house at all. PO Salato stated that he did not hear anyone ever ask to see a search warrant or complain of any injuries. He did not see any injuries on anyone and he was never told if there had been any problems apprehending anyone at the location.

Sgt. Mark Holochuck was interviewed at the CCRB on December 5, 2006 (see enclosure # 36a-36b). He stated that while ESU was securing the location, he and PO Hofelich, with another officer whose identity he could not recall, were located at the rear. He stated that they did not interact with any civilians or witness anyone’s apprehension during this time. Once ESU stated that the house was secured, he walked into the house and saw a group of civilians sitting in the living room in handcuffs. Sgt. Holochuck stated that he did not think he searched the house; rather he remained with the prisoners and supervised to make sure everything was done correctly. He denied speaking with the prisoners, describing them as “quiet” and did not recall them ever asking any questions. He did not recall ever being asked for a warrant, stating that he had a copy of one and would have shown it to them. Eventually, all of the prisoners except for one were removed from the house one by one and taken to the stationhouse for processing. It should be noted that when asked for more detailed information about what went on in the house while the officers were searching it, Sgt. Holochuck somewhat altered his account and stated that it was actually possible that he was outside the house while most of the incident was occurring and came in later.

Officers Not Interviewed:

While additional officers from the 105th Precinct were present for at least part of this incident, their respective CCRB statements were not obtained. § 87(2)(g)

Medical Records:

§ 87(2)(b) received medical treatment at § 87(2)(b) on § 87(2)(b) (see enclosure # 46a-46k). He stated that he was “beaten by the SWAT team.” His chief complaint is listed as an eye injury and the records noted down that he sustained “trauma and swelling” to his left eye. He also complained of pain to his chin/gums and to his right ankle and knee. § 87(2)(b) had a screw placed in his right ankle years prior. Doctors noted he had “old hardware and a broken screw” in his ankle and “no acute injury.” The doctors prescribed extra strength Tylenol for his injuries and scheduled an appointment for a specialist to look at his ankle.

§ 87(2)(b) also received medical treatment on § 87(2)(b) at the same hospital (see enclosure # 47a-47g). She complained that she was “beaten up by the police” and was “pushed against brick wall.” She complained of pain to her chest, which hurt when she moves, to her lower back and to her left wrist, which she alleged was swollen. The doctors stated that she had mild swelling and tenderness to her left wrist and back. The doctors also noted down that her left wrist was sprained and placed in a splint. She was told to take Ibuprofen for the pain.

§ 87(2)(b) went to the same hospital for medical treatment on § 87(2)(b) (see enclosure # 48a-48f). He stated that he was “kicked in the face” and had pain to his front teeth and jaw, though there was no “evidence of dental fracture.” Doctors noted he had evidence of decay in his teeth and that his “front teeth may become symptomatic in future.” There was also no mention of any bruising or swelling to his jaw. He was instructed to take Motrin and follow up with his dentist.

Both § 87(2)(b) and § 87(2)(b) stated that they received medical treatment for their injuries. However, while it seems likely that § 87(2)(b) went to § 87(2)(b) as the hospital stated that they had her records from the time in question, her medical records were never received. While they were requested twice and the hospital claimed to have sent them, the agency never received them. Additionally, the hospital stated that they did not have any medical records for § 87(2)(b) (see

enclosure #49a). He was not positive about which hospital he went to and indicated that he may have seen a private doctor, whose information he did not have at the time of his CCRB interview. As such, there are no medical records for him either.

Search Warrant:

On April 26, 2006, PO Hofelich requested and was granted a no-knock search warrant for § 87(2)(b) (see enclosure # 50a-50b). The warrant was specifically for marijuana and drug paraphernalia § 87(2)(e), § 87(2)(f)

Pre and Post Execution Plans:

The pre-execution plan shows where all of the officers from the 105th Precinct were assigned for security purposes while ESU entered the location (see enclosure # 53a). It lists Lt. McGuire as the site coordinator and states that Sgt. Holochuck and PO Hofelich were assigned to front security, Sgt. Dooley and PO Salato were assigned to side security and Sgt. O'Hara and PO Rizzotto were assigned to rear security. PO Rath, PO Balsamo and PO Gallagher were listed as other security. PO Hofelich is listed as the arresting officer, with PO Salato being the recorder.

The post-execution form states that ESU made the initial entry of the location and that there was no "subject resistance during entry (see enclosure # 53b-53d)." The results of the warrant were "positive" and seven people were arrested and almost a pound of marijuana was recovered at the house. The ESU report states that they entered the house through the front door using a ram. It also stated that "no evidence was recovered by ESU personnel."

Command Log:

The command log for the 105th Precinct shows that all of the arrests from this incident were logged in at 10:40 PM (see enclosure # 54a-54c). They were all arrested for § 87(2)(b) and were arrested during the execution of a search warrant. Additionally, none of them have any injuries listed.

Property Vouchers:

Marijuana cigarettes seeds and bags of small colored and clear Ziploc bags were vouchered as evidence from the location (see enclosure # 55a-55c). Additionally, over four hundred dollars was vouchered as forfeiture.

Arrest Reports/Outcomes and Histories:

Only four of the seven arrest reports from this incident could be found (see enclosure # 56-59). § 87(2)(b) and § 87(2)(b) were all arrested for § 87(2)(a) 160.50 No physical force was listed as being used against them and no injuries were noted down in their arrest reports. All four of their arrests were undocketed. According to the civilians, everyone was arrested on the same charges and all of their arrests were undocketed.

§ 87(2)(b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Notice of Claim:

All of the civilians, except for § 87(2)(b) are filing suit against the city, the NYPD, and the subject officers for the allegations stemming from this incident. They are all suing the city for damages in the amount of ten million dollars each, for a total of seventy million dollars. (see enclosures # 61a-61t). Each claim also mentions the injuries each individual incurred during this incident.

CCRB Histories:

According to CTS, none of the civilians involved in this complaint have filed or taken part in any previous CCRB complaints (see enclosure # 8-15).

While PO Hofelich, a member of the NYPD for 5 years, Lt. McGuire, a member of the NYPD for 11 years, Det. Conk, a member for 12 years, and Det. Honeyman, a member for 10 years, do not have any CCRB substantiations, Sgt. Holochuck, a member of the NYPD for 13 years, and PO Salato, also a member for 13 years do (see enclosures # 2-7). On June 26, 2001, in regard to case # 200006530, the Board substantiated and recommended charges against Sgt. Holochuck, who at the time was of the rank Police Officer in the 83rd Precinct, for stopping an individual without warrant and refusing to provide his name and shield number to the individual. The PD imposed a command discipline B. On July 27, 2006, in regard to case # 200602089, the Board substantiated and recommended a command discipline against Sgt. Holochuck for refusing to provide his name and shield number to an individual. The NYPD has not recommended a disposition for this case as of yet. On July 13, 2005, in regard to case #200406994, the Board substantiated and recommended a command discipline for PO Salato for speaking discourteously to an individual. The PD gave him instructions. On October 3, 2005, in regard to case #200503618, the Board substantiated and recommended charges against PO Salato for refusing to provide his name and shield when asked for it and for using offensive language in regard to race towards individuals. While DCT dismissed the refusal to provide his pedigree allegation, after negotiations, PO Salato pleaded guilty to the offensive language allegation and was penalized 17 vacation days.

Conclusions and Recommendations**Facts:**

The undisputed facts of this case are as follows; on April 26, 2006, a search warrant was executed at § 87(2)(b) in Queens. Eight civilians were scattered in and around the house when ESU made entry into the house through the front door. All eight civilians were placed in handcuffs while ESU secured the location. Eventually all of the civilians were brought together in the living room and ESU left the location. Officers from the 105th Precinct then entered and searched the house while each person was brought out of the house one by one to the prisoner van. Everyone except for § 87(2)(b) was arrested for § 87(2)(a) 160.50 and all of their arrests were undocketed.

Facts in Dispute:

§ 87(2)(g)
[REDACTED]

Assessment of Evidence:

§ 87(2)(g)
[REDACTED] While some of the individuals allegedly heard profanity being used towards them when the officers entered the house, others, such as § 87(2)(b) denied hearing any and she confirmed that she could hear the officers' language when they initially entered the house. And while some people alleged force was used against § 87(2)(b) and § 87(2)(b) they both denied this allegation. While § 87(2)(b) alleged that he was hit

with a shield, no one else alleged this. § 87(2)(b) alleged that the officers were calling his name and telling him that they knew he was dealing drugs, but no one else mentioned this. § 87(2)(g)

§ 87(2)(b) alleged to CCRB that § 87(2)(b) and § 87(2)(b) were thrown to the floor, however to IAB he said they were knocked to the ground by a shield. § 87(2)(b) told IAB that all of the officers were carrying shields, which he did not allege to CCRB. § 87(2)(b) told IAB that he only saw § 87(2)(b) get kicked in the face, but he told CCRB that § 87(2)(b) was also thrown into some trashcans. § 87(2)(b) also made no mention of an officer threatening § 87(2)(b) with force, which he said to CCRB. § 87(2)(b) told IAB that she saw officers “stomp” of § 87(2)(b) face, when she told CCRB she only heard it.

§ 87(2)(g)

§ 87(2)(g)

None of the officers, except for Det. Caracci admitted to apprehending any of the prisoners in the living room when they first entered the house. Additionally, Det. Caracci stated that he and PO Degregorio secured the basement, while PO Degregorio said it was the upstairs. Additionally, only some of them could not recall § 87(2)(b) being apprehended outside the location and none of the officers could recall who did so. Det. Conk stated that a third officer was present in the basement with him and Det. Honeyman and that he did not secure either of the prisoners down there. However, Det. Honeyman denied this, alleging that it was just him and Det. Conk in the basement and that Det. Conk must have secured § 87(2)(b) because he saw Det. Conk approach § 87(2)(b) and Det. Honeyman stated that he only secured § 87(2)(b). All of the officers denied using any physical force against anyone in the house; however, some of the prisoners do have minor injuries, allegedly from this incident. § 87(2)(g)

§ 87(2)(g)

While PO Hofelich and PO Salato stated that PO Hofelich, Sgt. Holochuck and maybe another officer(s) searched the location, Sgt. Holochuck stated that he did not think he took part in the search of the house, rather he supervised the process. § 87(2)(g)

Based on the victims’ and Det. Clifford and Det. Caracci’s statements, the individuals were upset and were asking questions and making remarks to the officers. § 87(2)(g)

Allegations Not Pleaded:

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

Analysis of Allegations:

While multiple members of ESU and the 105th Precinct entered and searched the house, Lt. McGuire was the supervisor in charge. § 87(2)(g)

[REDACTED] Sgt. Holochuck was the supervisor in charge of the search after Lt. McGuire left the scene, was present in the house during the search and by his own statement did not search the house as he remained with the prisoners. § 87(2)(g)

[REDACTED]

[REDACTED] according to the other members of ESU, it is normally the lead officer, which in this case was Det. Conk, who yells out instructions to the civilians inside of the location. § 87(2)(g)

[REDACTED]

Allegation A: Officers used physical force against § 87(2)(b)

and § 87(2)(b)

§ 87(2)(b) alleged that before entering the house, an ESU officer picked her up by her jacket collar and then threw her against a fence, knocking her to the ground. § 87(2)(b) alleged that while he was at the back of the house, an officer kicked him in the head before pushing him into a gate. § 87(2)(b) alleged that after he was placed in handcuffs, an officer dragged him across the floor, into the next room. § 87(2)(b) alleged that as the ESU officers were leaving her home, one of the officers deliberately stepped on her breast. This investigation has been unable to identify the officers that allegedly committed these acts though. All four individuals were shown photographs of the possible subject officers, consisting of officers from both ESU and the 105th Precinct. None of them were able to identify the officers that used physical force against them. And none of the officers admitted to committing these acts in their respective CCRB interviews. § 87(2)(g)

Allegation B: PO Lisa Hofelich searched § 87(2)(b)

§ 87(2)(b) alleged that after a member of ESU used physical force against her, PO Lisa Hofelich came over to her, placed her in handcuffs and searched her. PO Hofelich denied this, stating that she was not present at the house when ESU entered it and she did not even witness anyone's apprehension.

§ 87(2)(g)

[REDACTED]

Allegation C: Lt. Matthew McGuire supervised the entry and search of § 87(2)(b) in Queens.

On the night in question, officers forcibly entered § 87(2)(b) home and searched it. § 87(2)(g)

Allegation D: Detective John Conk spoke obscenely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) and § 87(2)(b) each alleged that when ESU entered the house, they were instructed to “Get the fuck down.” While Det. Conk and all of the officers denied the notion that any profanity was used, it is still unclear. While those civilians alleged hearing profanity, § 87(2)(b) and § 87(2)(b) both of whom were outside the house and could hear at least some of what was going on in the house, denied hearing any. § 87(2)(g)

Allegation E: An officer struck § 87(2)(b) and § 87(2)(b) with a police shield.

§ 87(2)(b) and § 87(2)(b) both alleged that an ESU officer carrying a police shield hit them on the head with it. And while Det. Conk and Det. Degregorio were the only ESU officers carrying the police shields, § 87(2)(g)

Both officers denied hitting anyone with their shields or apprehending anyone in the living room or kitchen and none of the civilians were able to identify either Det. Conk or PO Degregorio as the subject officer. In general, the civilians were not able to describe almost any of the ESU officers as they were wearing helmets which helped to mask their facial features. § 87(2)(b) thought Det. Caracci was the officer who hit him with the shield as he stated the mustache and build were similar, however based on all of the ESU members’ statements, Det. Caracci was not carrying a shield. And while PO Degregorio has a mustache, he is 5’11 and the subject officer was described as approximately 5’6 § 87(2)(g)

Det. Caracci, who was behind the first team, stated that he took part in the apprehension of the people in the main area, § 87(2)(g) Sgt. Buscemi, who was in the fifth position, behind PO Degregorio and Det. Caracci, supported PO Degregorio’s denial of this, stating that when he went past the individuals in the front room, none of them had been apprehended. § 87(2)(g) the only officer behind him was Det. Clifford, and he denied taking part in any apprehensions. Additionally, some of the civilians recognized Det. Clifford as the officer by the front door and none of them alleged any physical force on his part. § 87(2)(g)

Allegation F: Officers spoke obscenely to § 87(2)(b)

Allegation G: Officers used physical force against § 87(2)(b)

Allegation L: Officers threatened § 87(2)(b) and § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that after hitting him with a shield, the officer yelled at him to “stay the fuck down and put your hands behind your back!” That officer and a second officer then grabbed § 87(2)(b) off of the couch dragged him down to the floor, where a knee was placed on his back and he was placed in handcuffs. While on the ground, § 87(2)(b) asked the officers to take § 87(2)(b) off the floor, but he was told “Shut the fuck up.” He further alleged that when he attempted to look at the ESU officers, an officer threatened him by saying “Turn your motherfucking face to the wall or I’ll beat your fucking ass.” He also alleged that when he tried to ask any questions, the officers said “Shut the fuck up and don’t fucking talk to us.” § 87(2)(b) also alleged that whenever he tried to look at the ESU officers, he was told “Don’t fucking look at me or we’ll kick you in your fucking face.”

§ 87(2)(g)
Neither § 87(2)(b) nor § 87(2)(b) could identify the subject officers from photographs or even provide descriptions of the officers. Again, both men alleged that the ESU officers' helmets made it impossible to really see their facial characteristics, § 87(2)(g)

Allegation H: Detective Robert Honeyman spoke obscenely to § 87(2)(b)

Allegation I: Detective John Conk spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that when the officers entered the basement, they instructed him and § 87(2)(b) to "Get on the fucking floor." Both Det. Honeyman, who identified himself as one of the officers in the basement, along with Det. Conk, denied this allegation, as did § 87(2)(b) § 87(2)(g)

Allegation J: Detective John Conk used physical force against § 87(2)(b)

Allegation K: Detective Robert Honeyman used physical force against § 87(2)(b)

While both § 87(2)(b) and Det. Conk alleged that multiple officers entered the basement, § 87(2)(b) and Det. Honeyman stated that it was only two of them. § 87(2)(g)

§ 87(2)(b) alleged that an officer intentionally stepped on the right side of his face, causing pain to it and slightly chipping his tooth. He was also allegedly kicked in the ribs when he asked to speak with § 87(2)(b) to try and calm her down. However § 87(2)(b) stated that she saw the officer stomp on § 87(2)(b) back to make sure he was on the ground. She also stated that while she did not see it, she "heard" the officer kick him because she heard his head hit the floor and then heard him complain about his head hurting. And while they were not a witness to it, § 87(2)(b) and § 87(2)(b) and § 87(2)(b) each alleged that they could hear § 87(2)(b) yelling from the basement and § 87(2)(b) stated that § 87(2)(b) informed her that the bruise on his face was from being stepped on. However, while § 87(2)(b) medical records also show that he complained of pain to his front teeth and jaw and alleged that he received these injuries from being "kicked in the face," though there was no evidence of any dental fractures as he had alleged or of any bruising or swelling. Det. Conk, who denied using physical force against § 87(2)(b) also went so far as to deny apprehending anyone in the basement, stating that he went past them and when he turned around, they had been apprehended. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) alleged that after she was placed in handcuffs, she looked up at Det. Honeyman and asked him not hurt her. In response, he kicked her in the head. § 87(2)(g)

Allegation M: Officers damaged § 87(2)(b) property.

§ 87(2)(b) alleged that in the course of searching her apartment, the officers damaged some of her property, including her door, her window shade and her computer. Her AC unit was also turned over. The rooms were all described as being in disarray. It should be noted that no photographs of the damaged property were provided by the civilians, though they had said they would. Additionally, while they alleged that the officers broke the computer, they could not explain what was wrong with the computer or how the officers broke it. § 87(2)(g)

Allegation N: Sgt. Mark Holochuck refused to show a search warrant to § 87(2)(b) and § 87(2)(b)

Allegation O: PO Anthony Salato refused to show a search warrant to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) each alleged that they asked the officers from the 105th Precinct for a search warrant, which the officers denied. § 87(2)(g)

§ 87(2)(b) In general, the ESU officers denied being asked for a search warrant, but stated that if they had been, they would have told the civilians that the officers from the 105th Precinct would show it to them. However Det. Clifford, the ESU officer who remained by the front door, in the same room as § 87(2)(b) and § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b) in fact did ask him for a warrant and he explained as such to her.

Furthermore, the only way the civilians would have known that they had to ask the 105th Precinct officers for the warrant was if in fact they did ask ESU for a copy of the warrant and were informed of the situation.

§ 87(2)(b) alleged that he asked the detectives to see a copy of the warrant. § 87(2)(b) alleged that she specifically asked the officer who was removing her family one by one from the house for the warrant and the one who was searching the downstairs area, where she and her family were located.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: